IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 21477 of 2004

Between:

S. Subba Rao, S/o. Seetharamaiah,
R/o. Guntur road, Ongole, Prakasham District.

..... PETITIONER

AND

The Asst. Divisional Engineer, Operation, Southern Power Distribution Company of A.P. Ltd., Ongole, Prakasham District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue appropriate writ of Mandamus or any other writ, order or direction declaring of the respondent herein in Lr.No.ADE/O/TSD/OGL/F, Shifting of Auto Works ().No.3308/04, dt. 20.08.2004, as illegal, arbitrary and unjust.

Counsel for the Petitioner : MR.M.V.S.SURESH KUMAR

Counsel for the Respondent: SMT.M.VINOBHA DEVI

The Court, at the stage of admission, made the following :

ORDER:

In this writ petition, the notice issued by the Assistant Divisional Engineer, Operation : Town Sub-Division, APSPDCL, Ongole, is challenged by the consumer.

The petitioner claims to have established a workshop connected with automobile industry in the Ongole town. The Municipal Committee appears to have established an Auto Nagar for locating all the industries and units connected with automobile activity. Since some of the workshops and other units have been functioning in various parts of the town, the District Collector addressed a letter to the electricity authorities to disconnect the power supply, as a measure to convince or force the units, functioning within the town, to shift to Auto Nagar. Acting on the letters, dated 29.01.2004 and 20.07.2004, addressed by the District Collector, the Assistant Divisional Engineer, issued notice, dated 20.08.2004, intimating the petitioner that the power supply to his unit would be disconnected within seven days without issuing any further notice. Hence, this writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

The respondent had issued intimation to the petitioner proposing to disconnect the power supply. The sole basis for the proposed action is the communication received by him from the District Collector. It needs to be observed that the power supply by the respondent to various consumers is governed by the terms and conditions of supply. It is always competent for the respondent to disconnect the power supply, if

any conditions are violated, or it becomes incompatible to continue the supply, on account of any developments or change of circumstances. However, before resorting to the extreme step of disconnecting the supply, the consumer is entitled to be informed of the basis for such action. The impugned proceedings do not refer to any conditions of supply or violation of the same. It may be true that the District Collector addressed letters for taking appropriate action with a view to persuade or pressurize the petitioner to shift to Auto Nagar. Whatever be the justification in taking the action, the petitioner is entitled to be put on notice and intimated the reasons therefor. It is only, on consideration of representation that may be made by him, that a final step can be taken. On this short ground, the writ petition is liable to be allowed.

The impugned letter proposing to disconnect the power supply to the petitioner is set aside. The power supply shall be restored to the petitioner forthwith. It is, however, made clear that it shall be open to the respondent to issue notice to the petitioner intimating the reasons to him, on the basis of which they propose to disconnect the power supply. The petitioner shall be entitled to submit his reply on receipt of such notice, and any final step shall be taken only after consideration of the reply.

The writ petition is accordingly allowed. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Date: 24th November, 2004

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To

1. The Asst. Divisional Engineer, Operation, Southern Power Distribution Company of A.P. Ltd., Ongole, Prakasham District.

2. Two C.D. copies.